

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: May 10, 2022

Time in Court: (9:08-9:10 AM; 9:14-10:40 AM; 11:13 AM – 12:02 PM; 12:14-2:17 PM;
2:47-4:05 PM)

TOTAL Time: 5 hrs, 38 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Sachi Schuricht

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS: Jury Trial (Day 27)

Jury Trial held May 10, 2022. Testimony held and evidence entered.

Further Jury Trial set for May 11, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 5834, 4943, 4163, 4173, 3387, 3392, 3844, 4202, 4197, 4221, 4284, 4286, 4303,
2172, 2065

Defendants: 4600, 20620, 14118, 14119

The following exhibits are admitted into evidence:

Plaintiffs: 4163, 4173, 3387, 3392, 3844, 4202, 4197, 4221, 4284, 4286, 4303, 2172, 2065

Defendants: 4600, 20620, 14118, 14119

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

**Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD**

TRIAL LOG

TRIAL DATE: May 10, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:08 am	Court in session with Counsel out of presence of Jury and witnesses	
		9:10 am	Court breaks for 4 min	
		9:14 am	Jury present	
		9:15 am	Court in session in presence of Jury	
			Court queries Jurors re previous admonishment	
			Witness #13 Sarah Bennett enters Courtroom and takes the stand	
		9:16 am	Defense continues cross-examination of Sarah Bennett	
		9:20 am	Ex. 4621, previously admitted	
	4600	9:36 am	ADMITTED into Evidence: 2015-12-08 Bennett/Hamilton Email String re Nice Job!	
		9:40 am	Ex. 4621, previously admitted	
Obj	20620	9:50 am	Offered into Evidence.	
		9:51 am	Foundation to be laid	
Obj			Further foundation to be laid	
		9:52 am	Offered into Evidence	
			Further foundation to be laid	
		9:53 am	Offered into Evidence	
	20620	9:55 am	ADMITTED into Evidence (not for the truth of the matter asserted but to notice to CMS for preparation of survey report): 2015-06-15 Theranos Alternative Assessment Program	

TRIAL DATE: May 10, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		10:06 am	Ex. 4621, previously admitted	
		10:10 am	Defense completes cross-examination of Sarah Bennett	
		10:11 am	Government begins re-direct examination of Sarah Bennett	
		10:13 am	Ex. 4533, previously admitted	
		10:19 am	Ex. 4621, previously admitted	
5834	Obj	10:27 am	Offered into Evidence	
		10:28 am	Further foundation to be laid	
4943	Obj	10:34 am	Offered into Evidence	
			Further foundation to be laid	
	Obj	10:35 am	Offered into Evidence – pp. 1 and 9 only	
		10:36 am	Gov't to timestamp p. 9	
	Obj	10:38 am	Offered into Evidence – pp. 1 and 9 only	
		10:39 am	Jury departs Courtroom	
		10:40 am	Court takes break for 33 minutes	
		11:13 am	Court in session with Counsel out of presence of Jury and witnesses	
			Discussion of Ex. 4943 and re Order on Motions in Limine	
		11:30 am	Court and Counsel address Ex. 2065 related to upcoming witness testimony	
		12:02 pm	Court breaks for 12 minutes	
		12:14 pm	Jury and Witness Sarah Bennett returns to Courtroom	
		12:15 pm	Court in session in presence of Jury and witness Sarah Bennett	
		12:20 pm	Ex. 4621, previously admitted	
		12:22 pm	Government completes re-direct examination of Sarah Bennett	

TRIAL DATE: May 10, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Defense conducts re-cross-examination of Sarah Bennett	
		12:25 pm	Defense completes re-cross-examination of Sarah Bennett	
			Witness #13, Sarah Bennett excused	
			Government calls Daniel L. Mosley	
		12:27 pm	Witness #14, Daniel L. Mosley enters Courtroom	
			Daniel Mosley sworn and takes the stand	
		12:28 pm	Government begins direct examination of Daniel Mosley	
4163		12:32 pm	ADMITTED into Evidence: 2014-07-22 Mosely Email to Holmes re Private Placement Memorandum	
4173	Obj	12:37 pm	Offered into Evidence	
			Further foundation to be laid	
		12:38 pm	ADMITTED into Evidence: 2014-08-18 Holmes Letter to Mosley re invitation to participate in equity transaction	
3387	Obj	12:48 pm	ADMITTED into Evidence: Documents re Theranos, Realtime Cure, Inc., etc. provided to Daniel Mosley by Elizabeth Holmes	
3392	Obj	12:48 pm	ADMITTED into Evidence: Theranos PowerPoint Presentation, <i>Infectious Disease work and Select Clinical Correlations</i> (part of materials provided to Daniel Mosley by Elizabeth Holmes)	
		1:14 pm	Ex. 5387H, p. 17 Displayed – previously admitted	
		1:24 pm	Ex. 3392, previously admitted	
3844		1:26 pm	ADMITTED into Evidence: 2010-04-27 Johns Hopkins Medicine Summary of Hopkins/Walgreens/Theranos Meeting	
4202		1:27 pm	ADMITTED into Evidence: Sep 2014 Mosley/Holmes Email String	
4197		1:31 pm	ADMITTED into Evidence: 2014-09-02 Moley Letter to Kissinger re outline of analysis on Theranos, and attachment – Theranos Analysis	
4221		1:44 pm	ADMITTED into Evidence: Sep 2014 Mosley/Holmes Email String	
4284		1:53 pm	ADMITTED into Evidence: Oct 2014 Mosley/Holmes Email String re Meeting last Friday	

TRIAL DATE: May 10, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
4286		1:58 pm	ADMITTED into Evidence: 2014-10-24 Balwani Email to Mosley/Holmes re investment docs, and attachments – 2014-02-07 Theranos, Inc. Amended and Restated Investors' Rights Agreement; 2014-02-07 Theranos, Inc. Amended and Restated Voting Agreement; Theranos, Inc. Certificate of Designation of Series C-2 Preferred Stock;	
4303		2:02 pm	ADMITTED into Evidence: 2014-10-30 Mosley Email to Holmes/Balwani re Master Signature Page, and attachments – Master Signature Page (Mosley Family Holdings LLC); Master Signature Page (Dracopoulos)	
2172		2:05 pm	ADMITTED into Evidence: 2014-10-31 Theranos/Holmes Memo to Mosley re confirmation re Series C-2 Preferred Stock	
2065	Obj	2:07 pm	ADMITTED into Evidence (not admitted for the truth of the matter asserted, but as to notice to the individuals in the emails): Oct 2014 C. Holmes/Balwani/Holmes Email String re BDT visitors to wag Saturday	
		2:13 pm	Ex. 3387, previously admitted	
		2:16 pm	Government completes direct examination of Daniel Mosley	
		2:17 pm	Court breaks for 30 minutes	
		2:47 pm	Jury and witness Daniel Mosley present	
		2:49 pm	Court in session in presence of Jury and witness Daniel Mosley	
			Defense begins cross-examination of Daniel L. Mosley	
		2:58 pm	Ex. 4173, previously admitted	
	14118	3:24 pm	ADMITTED into Evidence: Aug 2014 Holmes/Mosley/Edlin Email String re Blank CDA	
		3:28 pm	Ex. 3387, previously admitted	
	14119	3:50 pm	Sep 2014 Mosley/Holmes Email String	
		3:53 pm	Ex. 4197, previously admitted	
		3:58 pm	Court admonishes Jury	
			Jury exists Courtroom	
			Daniel L. Mosley released for the day	

TRIAL DATE: May 10, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		3:59 pm	Court in session outside of presence of Jury and witnesses	
		4:05 pm	Court adjourns	
			Jury Trial continued to May 11, 2022, at 9:00 AM	